

Attorney or Party Name, Address, Telephone & FAX
Nos., State Bar No. & Email Address

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☐ Individual appearing without attorney

☒ Attorney for: PLAINTIFF

FOR COURT USE ONLY

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA - LOS ANGELES DIV.

In re: MARIO G. CARDONA

CASE NO.: 2:17-bk-22804-WB

ADVERSARY NO.: 2:18-ap-01381-WB

CHAPTER: 13

Debtor(s).

DANIEL GARZA

JOINT STATUS REPORT
[LBR 7016-1(a)(2)]

Plaintiff(s).

vs.

MARIO G. CARDONA

DATE: 1-22-2019

TIME: 2:00PM

COURTROOM: 1375

ADDRESS: 255 E. Temple Street
Los Angeles, CA

Defendant(s).

The parties submit the following JOINT STATUS REPORT in accordance with LBR 7016-1(a)(2):

A. PLEADINGS/SERVICE:

1. Have all parties been served with the complaint/counterclaim/cross-claim, etc.
(Claims Documents)? ☒ Yes ☐ No
2. Have all parties filed and served answers to the Claims Documents? ☒ Yes ☐ No
3. Have all motions addressed to the Claims Documents been resolved? ☐ Yes ☒ No
4. Have counsel met and conferred in compliance with LBR 7026-1? ☒ Yes ☐ No

This form is mandatory. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

5. If your answer to any of the four preceding questions is anything other than an unqualified "YES," please explain below (*or on attached page*): DEFENDANT'S MOTION TO DISMISS COMPLAINT IS SCHEDULED FOR 1-29-2019.

B. READINESS FOR TRIAL:

1. When will you be ready for trial in this case?

Plaintiff

Defendant

AT THE 1ST AVAILABLE DATE (ASAP)

APRIL 2019

2. If your answer to the above is more than 4 months after the summons issued in this case, give reasons for further delay.

Plaintiff

Defendant

N/A

DEFENDANT'S COUNSEL'S CASELOAD

3. When do you expect to complete your discovery efforts?

Plaintiff

Defendant

NO DISCOVERY IS REQUIRED

UP TO 90 DAYS

4. What additional discovery do you require to prepare for trial?

Plaintiff

Defendant

NO DISCOVERY IS REQUIRED

POSSIBLE DOC-DEMANDS, 3RD PARTY SU

C. TRIAL TIME:

1. What is your estimate of the time required to present your side of the case at trial (*including rebuttal stage if applicable*)?

Plaintiff

Defendant

1 DAY

6 HOURS

2. How many witnesses do you intend to call at trial (*including opposing parties*)?

Plaintiff

Defendant

2-3

2-6

PlaintiffDefendant

10-20

10-15

D. PRETRIAL CONFERENCE:

A pretrial conference is usually conducted between a week to a month before trial, at which time a pretrial order will be signed by the court. [See LBR 7016-1.] If you believe that a pre-trial conference is not necessary or appropriate in this case, please so note below, stating your reasons:

PlaintiffDefendant

Pretrial conference ☐ is ☒ is not requested
Reasons: THE ISSUES ARE CLEAR

Pretrial conference ☒ is ☐ is not requested
Reasons: NARROW ISSUES

PlaintiffDefendant

Pretrial conference should be set after:
(date) _____

Pretrial conference should be set after:
(date) PER THE CT

E. SETTLEMENT:

1. What is the status of settlement efforts? NONE

2. Has this dispute been formally mediated? ☐ Yes ☒ No
If so, when?

3. Do you want this matter sent to mediation at this time?

PlaintiffDefendant

☐ Yes ☒ No

☒ Yes ☐ No

F. FINAL JUDGMENT/ORDER:

Any party who contests the bankruptcy court's authority to enter a final judgment and/or order in this adversary proceeding must raise its objection below. Failure to select either box below may be deemed consent.

Plaintiff

☒ I do consent
☐ I do not consent
to the bankruptcy court's entry of a final judgment
and/or order in this adversary proceeding.

Defendant

☐ I do consent
☒ I do not consent
to the bankruptcy court's entry of a final judgment
and/or order in this adversary proceeding.

G. ADDITIONAL COMMENTS/RECOMMENDATIONS RE TRIAL: (Use additional page if necessary)

PLAINTIFF'S COMMENTS:

PLAINTIFF HAS A MOTION TO DISMISS THE CHAPTER 13 PENDING TO BE HEARD ON 1-16-2019, WHICH IF GRANTED, WILL MOOT THE ADVERSARY, AS PLAINTIFF WILL BE ABLE TO PROCEED WITH HIS USDC JUDGEMENT.

THIS ADVERSARY CAN BE DISPOSED OF BY SUMMARY JUDGEMENT VIA RES JUDICATA & COLLATERAL ESTOPPEL PRINCIPLES..

THIS ADVERSARY CAN ALSO BE DISPOSITIVE UNDER 11 USC SECTION 1328(a)(4)

DEFENDANT'S COMMENTS:

DEFENDANT ONLY CONCEDES PLAINTIFFS ABOVE COMMENT, THAT IF THE MOTION TO DISMISS THE UNDERLYING BANKRUPTCY CASE ADVERSARY WILL BE MOOT. PLAINTIFF DOES NOT ADOPT ANY OTHER COMMENTS ABOVE.

*DEFENDANT HAS BROUGHT A MOTION TO DISMISS THIS ADVERSARY PROCEEDING, IN PART ARGUING THE COURT LACKS JURISDICTION AT THIS TIME TO ADJUDICATE PLAINTIFFS CLAIM FOR RELIEF UNDER 523(A)(6).

Respectfully submitted,

Date: 12/31/2018

BARUCH C. COHEN, ESO.
Printed name of law firm

/s/ Baruch C Cohen
Signature

BARUCH C. COHEN
Printed name

Attorney for: PLAINTIFF

Date: 12/31/2018

Bayer Wishman & Leotta
Printed name of law firm

/s/Marcus G. Tiggs
Signature

MARCUS G. TIGGS
Printed name

Attorney for: DEFENDANT

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
4929 Wilshire Boulevard, Suite 940, Los Angeles CA 90010

A true and correct copy of the foregoing document entitled **JOINT STATUS REPORT** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**: Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On January 1, 2019, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Baruch C Cohen (Cr)	bcc@BaruchCohenEsq.com, paralegal@baruchcohenesq.com
Nancy K Curry (TR)	TrusteeECFMail@gmail.com
U S Trustee (LA)	ustpregion16.la.ecf@usdoj.gov

☐ Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL**: On **January 1, 2019**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **January 1, 2019**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Hon. Julia W. Brand, Roybal Federal Bldg. & Courthouse, 255 E. Temple St, Ste 1382, Los Angeles CA 90012

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

January 1, 2019

Date

Baruch C. Cohen

Printed Name

/s/ Baruch C. Cohen

Signature